

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REGISTRANT: Kuykendal et al.  
PATENT NO.: 6,308,610  
ISSUED: Oct. 30, 2001  
FOR: Liquid Cannon Having  
Trunnion Assembly

GAU: 3641  
EXAMINER: Jordan, Charles T.  
St. Louis, Missouri  
Date: May 2009  
DN: WW-8

AFFIDAVIT

This is in response to the Office's Decision on Petition of March 23, 2009 pursuant to a request for reconsideration under 37 CFR §1.378(e).

First, Robert L. Kuykendal states that he is at least eighteen years of age and not subject to any impediment and does freely and voluntarily proffer this Affidavit.

Second, on or before October 1998 he engaged Mr. Henry Cummings, patent attorney to prosecute the application that became patent No. 6,308,610.

Third, on or about November 2001 he received the bound and ribboned patent No. 6,308,610 from Mr. Cummings.

Fourth, he recalls from correspondence sent with the bound and ribboned patent No. 6,308,610 that Mr. Cummings offered to track the maintenance fee due dates for this patent.

Fifth, he acknowledges that he continued to correspond with Mr. Cummings on various later inventions and had various written and oral communications with Mr. Cummings from 2001 through 2006.

Sixth, he acknowledges that he engaged and obligated Mr. Cummings to track the maintenance fee due date on or after January 2, 2005 before the expiration of the patent No. 6,308,610.

Seventh, he states that a prudent and careful inventor and businessman engages an agent, such as Mr. Cummings, to mind important business including maintenance fee due dates.

Eighth, he acknowledges that he exercised due care in monitoring the maintenance fee due date through his agent Mr. Cummings.

Ninth, on or about January 2006, he recalls a request from Mr. Cummings for a check in the amount of the maintenance fee due and that such a check was provided at the end of that month.

Tenth, on or after February 2006, he does not recall hearing from Mr. Cummings about any discrepancies with the maintenance fee.


Tenth, on or about November 5, 2007, he received a letter from Mr. McCloskey, patent attorney, regarding the closure of Mr. Cummings practice.

Eleventh, on or about January 8, 2008, he met with Mr. McCloskey to discuss the status of his patents, new inventions, and this patent.

Twelfth, on or about January 21, 2008, he received a letter from Mr. McCloskey regarding petitioning to reinstate patent No. 6,308,610.

This Affidavit was reviewed and executed as of this 20<sup>th</sup> day of the month of May, in the year of 2009.

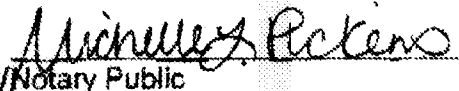
Respectfully submitted,

By:   
Robert L. Kuykendal  
2100 Old Gravois Rd.  
High Ridge, MO 63049

STATE OF Missouri )  
COUNTY OF Jefferson ) SS:

On this 20<sup>th</sup> day of the month May, 2009,  
before me, a Notary Public, personally appeared Robert L. Kuykendal, to me to be the person named in and who executed the above affidavit, and acknowledged to me that he executed the same for the uses and purposes therein mentioned, as his own free act and deed.

[SEAL]

  
Michelle L. Pickens  
Notary Public

My Commission Expires: 12-26-2011

Michelle L. Pickens  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jefferson County  
My Commission Expires: Dec. 26, 2011  
Commission #07438786